

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Kyle J Burke

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

United States District Court  
Eastern District of New York

**COMPLAINT**

Do you want a jury trial?

Yes  No

SEARCHED  
INDEXED  
SERIALIZED  
FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
May 5 2022

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

Federal Question

Diversity of Citizenship

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Prosecutorial misconduct through Outsize damages

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Kyle T Burke,  
(Plaintiff's name)

New York

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, U.S. District Court for the Eastern District, is a citizen of the State of  
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_.

If the defendant is a corporation:

The defendant, U.S. District Court for the Eastern District of New York, is incorporated under the laws of  
the State of Eastern District of New York

and has its principal place of business in the State of NY

or is incorporated under the laws of (foreign state) New York

and has its principal place of business in New York.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Kyle J Burke  
First Name Middle Initial Last Name

198 Pacific Street Brooklyn NY  
Street Address

Brooklyn NY 11201  
County, City State Zip Code

202-903-4925 KyleJBurke1227@gmail.com  
Telephone Number Email Address (if available)

## B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<u>United States Attorney for the Eastern District of New York</u>		
	First Name	Last Name	
	Current Job Title (or other identifying information)		
	Current Work Address (or other address where defendant may be served)		
	<u>Brooklyn</u>	<u>NY</u>	<u>11201</u>
	County, City	State	Zip Code
Defendant 2:			
	First Name	Last Name	
	Current Job Title (or other identifying information)		
	Current Work Address (or other address where defendant may be served)		
	County, City	State	Zip Code
Defendant 3:			
	First Name	Last Name	
	Current Job Title (or other identifying information)		
	Current Work Address (or other address where defendant may be served)		
	County, City	State	Zip Code

Defendant 4:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

**III. STATEMENT OF CLAIM**

Place(s) of occurrence: 198 Pacific Street Brooklyn NY

Date(s) of occurrence: 5/15/2022

**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

The United States Attorney lost custody of a taped recording of a cooperating witness and myself. I heard the recording at approximately 3 AM 5/15/22 outside of my open window whilst attempting to fall asleep. The recording contained information relevant to my relationships or contacts with alleged members of organized crime in NYC.

**INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Outsized ~~out~~ injuries have occurred given  
the previous admission by the US Attorney's  
office in ~~arbitration~~ Arbitration that there  
were damages assessed in ~~the case~~ the case.  
initially

**IV. RELIEF**

State briefly what money damages or other relief you want the court to order.

I asked that the court double the money  
damages ~~previously agreed~~ most  
recently agreed upon in arbitration. Given this  
is not the first <sup>instance</sup> of prosecutorial misconduct after  
the original injury.

## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>5/5/2022</u>		
Dated	J	Plaintiff's Signature
First Name	Kyle	Burke
Middle Initial		
Street Address	199 Pacific Street	
County, City	Brooklyn	NY
Telephone Number	202-903-4925	11201
State		Zip Code
Email Address (if available)		

KyleBurke1227@gmail.com

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes  No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.